

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re
MICHAEL D BROOKS

) Case No. 313-31364-rl13
)
) Confirmation Hearing Date: May 9, 2013
)
) TRUSTEE'S OBJECTION TO
) CONFIRMATION; AND
) MOTION(S) THEREON

Debtor(s)

THE TRUSTEE:

1. Objects to confirmation for the reason(s) marked below:

a. Attorney fees sought are excessive:

b. Case not filed in good faith/Plan not proposed in good faith:

c. Plan is not feasible: **The Plan will require approximately 84 months to pay the collateral value for ODR in ¶2(b)(1) at \$50 per month with 8% interest.**

d. Plan does not commit all of the debtor's excess projected disposable income pursuant to §1325(b)(1)(B) for the applicable commitment period:

e. Plan does not meet best interest test:

f. Filing/ documentation deficient: **as requested at the §341(a) hearing, please provide the Trustee with the following:**

1. **A true copy of Debtor's 2012 Federal and State Tax Returns that have been signed by the Debtor; and**
2. **File an Amended B22c that no longer includes wage income and does include business income.**

g. Other: **as requested at the §341(a) hearing, please make the following changes to the Plan:**

1. **Mark the box "Motion To Value Collateral" in the caption (this will require an amended plan);**
2. **¶2(b)(1) insert a post – confirmation interest rate of "8%" as it pertains to ODR; and**
3. **¶2(b)(1) strike the values under "Estimated Total Debt if Paying Debt in Full" as it pertains to "Wells Fargo Home Mort." and "PNC Bank".**

2. If, not less than 10 days prior to the confirmation hearing, the debtor fails to take all necessary steps to satisfy each objection marked above (e.g., file an amended plan using LBF #1355.05, file all documentation noted in 1.f., etc.), the trustee must promptly file this document. If this document is filed, the trustee moves the court for an order per the section(s) marked below:

a. Move that the debtor's attorney's fee request be modified as follows:
and/or

b. (If any section other than 1.a. is marked above) move that the case be dismissed without further notice.

3. Certifies a copy of this document was served on the debtor and debtor's attorney, if any, by hand at the first meeting of creditors on N/A, or by mail on April 10, 2013.

DATED: April 10, 2013

/s/ Wayne Godare
Trustee

GEORGE HOSELTON

1350.70 (06/24/97) (mn)